

Remarks

The Applicant respectfully requests reconsideration of the present U.S. Patent application as amended herein. Claims 1 and 2 have been cancelled without prejudice. Claims 3-5, 10-14, and 19 have been amended. No claims have been added or withdrawn. Thus, claims 3-22 remain pending in the application.

Claim Rejections § 102

Claims 1-3, 14-18, and 19 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,559,850 issued to Strongin et al. (*Strongin*). Claims 1 and 2 have been cancelled without prejudice and, thus, the rejection of claims 1 and 2 is moot. The Applicant respectfully submits that claims 3, 14-18, and 19 are not anticipated by *Lee* for at least the reasons set forth below.

The Manual of Patent Examining Procedure ("MPEP"), in § 2131, states:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Thus, under 35 U.S.C. § 102, a claim is anticipated *only if* each and every element of the claim is found in the cited reference and the cited reference must show the invention in as complete detail as contained in the claim.

Claim 3 has been amended to depend from claim 4. Claim 4 was objected to as being dependent upon a rejected base claim but would be allowable if rewritten in

independent form including all of the limitations of the base claim and any intervening claims. Claim 4 has been amended to include the limitations of the base claim and the intervening claim and, thus, the Applicant respectfully submits that claim 4 is allowable. For at least the reason that dependent claims include the limitations of the claims from which they depend, the Applicant respectfully submits that claim 3 is not anticipated by *Strongin*.

Amended claims 14 and 19 each recite:

... a plurality of read entries ... wherein each read entry includes information identifying: (1) whether the read entry has valid data, (2) a total number of cache lines requested by a data read request, and (3) an identification of a portion of the total number of cache lines already serviced by data fetches ...

The Applicant respectfully notes that *Strongin* does not teach or suggest, “a plurality of read entries ... wherein each read entry includes information identifying: (1) whether the read entry has valid data, (2) a total number of cache lines requested by a data read request, and (3) an identification of a portion of the total number of cache lines already serviced by data fetches,” as recited in claims 14 and 19. For at least the reason, that *Strongin* does not teach the above-cited limitations, the Applicant submits that *Strongin* can not anticipate amended claims 14 and 19. Thus, the Applicant respectfully requests that the rejection of claims 14 and 19 be withdrawn.

Claims 15-18 depend from claim 14. For at least the reason that dependent claims include the limitations of the claims from which they depend, the Applicant respectfully submits that claims 15-18 are not anticipated by *Strongin*.

Claim Rejections § 103

The Manual of Patent Examining Procedure (“MPEP”), in § 706.02(j), states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). Thus, the MPEP and applicable case law require that the Office action establish that a combination of references teach or suggest **all of the claim limitations** of rejected claims to sustain an obviousness rejection under 35 U.S.C. § 103. As shown below, Applicants respectfully submit that the Office action does not establish a *prima facie* case of obviousness.

Claims 10-12 and 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Strongin*. Claims 10-12 have been amended to depend from allowable claim 4 and, thus, the rejection of claims 10-12 is moot. For at least the reasons shown below, the Applicant respectfully submits that claims 20-22 are patentable over *Strongin*.

Claims 20-22 depend, directly or indirectly, from amended claim 19. Amended claim 19 recites, “a plurality of read entries ... wherein each read entry includes information identifying: (1) whether the read entry has valid data, (2) a total number of cache lines requested by a data read request, and (3) an identification of a portion of the total number of cache lines already serviced by data fetches.” The Applicant respectfully submits that *Strongin* does teach or suggest the above-cited limitation. For at least the

reason, that *Strongin* does not teach the above-cited limitations, the Applicant submits that *Strongin* can not anticipate amended claims 20-22.

Conclusion

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Respectfully submitted,

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